

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36281

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 721
	)	
Plaintiff-Respondent,	)	Filed: December 14, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
WAYNE DOUGLAS MERKLEY,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Sixth Judicial District, State of Idaho, Oneida County. Hon. Don L. Harding and Hon. David C. Nye,<sup>1</sup> District Judges.

Re-entered judgment of conviction and unified sentence of twenty-five years, with a minimum period of confinement of twenty years, for sexual abuse of a child under the age of sixteen years, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth Ann Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge; GUTIERREZ, Judge;  
and GRATTON, Judge

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PER CURIAM

Wayne Douglas Merkley pled guilty to sexual abuse of a child under the age of sixteen years. Idaho Code § 18-1506. The district court sentenced Merkley to a unified term of twenty-five years, with a minimum period of confinement of twenty years. Merkley appeals.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App.

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<sup>1</sup> District Judge David C. Nye participated only in the post-conviction portion of this case.

1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Merkley's re-entered judgment of conviction and sentence are affirmed.